IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

THURSDAY, THE 25TH OCTOBER 2007 / 3RD KARTHIKA 1929

WP(C).No. 31647 of 2007(P)

PETITIONER:

THE CITY THEATRES (P) LTD.,
NEW THREATRES BUILDING,
SUBRAMANIAN ROAD, THIRUVANANTHAPURAM.
REPRESENTED BY ITS MANAGING DIRECTOR,
S.MURUGAN.

BY ADV. SRI.BECHU KURIAN THOMAS

RESPONDENTS:

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1. STATE OF KERALA,
REPRESENTED DISTRICT COLLECTOR,
THIRUVANANTHAPURAM.

2. THE LAND REVENUE COMMISSIONER,
THIRUVANANTHAPURAM.

3. THE TAHASILDAR, TALUK OFFICE,
THIRUVANANTHAPURAM.

BY GOVT.PLEADER SRI.MATHEW VADAKKEL

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 25/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V. GIRI ,J.

WP(C).NO. 31647 of 2007

Dated this the 25th day of October, 2007

JUDGMENT

The petitioner was leased an extent of 17.092 cents of land in the heart of Thiruvananthapuram city on kuthakapattom. The demise is stated to have been made in the year 1948 by the Government of Travancore - Cochin. Subsequently when steps were taken by the Revenue Department to resume the land purportedly on cancellation of the lease, the petitioner approached this Court with O.P.8738/1992. An order passed by the Government, rejecting the contentions of the petitioner was found to be non-speaking and it was therefore set aside and the Government was directed to pass a fresh order. Accordingly, after hearing the petitioner, the government passed Ext.P2 order directing that 9 cents of the land in front of City Threatre be resumed for the widening of the road and the balance land of 8.032 cents will continue in the possession of the petitioner on kuthakapattom.

2. In the meanwhile, apparently, proceedings were taken for recovery of the arrears of rent from the petitioner after

revising it in terms of the rules applicable for lease of government land in Municipal and Municipal Corporation areas. The rent is fixed on the basis of market value and it seems that the District Collector fixed the market value and issued a demand notice to the petitioner computing the same with effect from a prior date. Portion of the demand was satisfied by the petitioner and by Ext.P3, the District Collector issued a notice of demand for the balance amount of Rs.35,64,797/=.

3. The petitioner preferred Ext.P4 statutory appeal before the Land Revenue Commissioner and has also moved an application for stay of collection of the disputed rent. In the meanwhile revenue recovery notice i.e.Ext.P5 has been issued and hence this writ petition.

4. The statutory appeal filed by the petitioner is to be considered by the Land Revenue Commissioner. In the facts and circumstances of the case, expeditious disposal of the same is desirable.

5. After having heard the learned counsel for the petitioner and the learned Government Pleader, the writ petition is disposed of directing the second respondent to consider Ext.P4 appeal, within a period of six months from the

date of receipt of a copy of this judgment. Enforcement of Ext.P5 notice issued under the Revenue Recovery Act shall be kept in abeyance pending orders on Ext.P4 provided the petitioner pays an amount of Rs.16 lakhs (Rupees Sixteen lakhs only) within a period of four weeks from today. Further enforcement of the demand will be subject to the decision taken by the second respondent in the appeal.

V. GIRI, JUDGE

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